

RESOLUTION #2007-311

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE
ISSUANCE OF ONE (1) PLENARY RETAIL CONSUMPTION LICENSE

WHEREAS, in accordance with state law and pursuant to
Section 42-1 of the Code of the Township of Marlboro, the
Mayor and Township Council may authorize the issuance of up
to twelve (12) plenary retail consumption licenses; and

WHEREAS, currently, eleven (11) plenary retail
consumption licenses have been issued by the Township; and

WHEREAS, the Mayor and Township Council, having
considered the same, now wish to authorize the issuance of
one (1) additional plenary retail consumption license and
the advertisement for the receipt of sealed bids therefor
as set forth below.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the
Township Council of the Township of Marlboro, in the County
of Monmouth and State of New Jersey that the issuance of
one (1) plenary retail consumption license and the
advertisement for the receipt of sealed bid therefor is
hereby authorized pursuant to *N.J.S.A. 33:1-19, et seq*;

BE IT FURTHER RESOLVED that the Township of Marlboro
shall hold a public sealed bid sale for the aforesaid
license;

BE IT FURTHER RESOLVED that the following requirements and conditions must be met by any and all prospective bidders:

1. All bidders must be pre-qualified and only the bids of bidders qualified to have an interest in a retail alcoholic beverage license under the standards set forth in the *Alcoholic Beverage Control Act*, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro will be opened.

2. To pre-qualify, a prospective bidder must, on or before 10:00 A.M. on October 30, 2007, submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey in a sealed envelope stating the name of the bidder and "2007 Liquor License Bid":

(a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$2,000.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

(b) A separate signed Certification of Proof of Compliance by the prospective bidder that it/he/she meets any and all conditions or requirements contained in this

Resolution and Chapter 42 of the Code of the Township of Marlboro, including without limitation the distance restriction contained in Section 42-2(A), and knows of no reason why it/he/she would be disqualified from having an interest in a Retail Liquor License in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder;

(c) A separately sealed envelope with the prospective bidder's deposit fee of \$80,000.00 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid; and

(d) Bid proposal.

3. The minimum bid for the plenary retail consumption license is \$800,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. At 3:00 P.M. on October 30, 2007, the Township Clerk shall publicly announce those prospective bidders who have pre-qualified. A list of such pre-qualified bidders shall also be posted on the public announcements bulletin board in the Municipal Building.

5. The Clerk of the Township of Marlboro will open any and all sealed bids received from pre-qualified bidders on 10:00 A.M. on November 6, 2007 at the office of the

Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. No bid will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification. Immediately after opening the sealed bids of the pre-qualified bidders, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

6. The Township Council, shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following terms and conditions:

(a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" upon the earlier of the following: (i) the issuance of a Certificate of Occupancy for the licensed location; or (ii) by March 6, 2008, whichever occurs first. Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may, subject to law, award the license to the remaining highest qualified bidder or determine to take no action;

(b) Payment of the State License Application Fee;

(c) Payment of the Annual Municipal Retail License Fee;

(d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license;

(e) Receipt of favorable State and/or Federal criminal background checks; and

(f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

The deposit(s) of all unsuccessful bidders shall be returned within ten (10) days of the date of the award.

7. The sale may be postponed or canceled at any time prior to the opening of the bids.

8. Prospective bidders shall also comply with all other provisions of *N.J.A.C. 13:2-2-1 et seq.*, including, but not limited to, publication of notice of application.

BE IT FURTHER RESOLVED that notice of the public sale of the plenary retail consumption license be in conformance with *N.J.S.A. 33:1-19.4*; and

BE IT FURTHER RESOLVED that a certified copy of this
Resolution be provided to each of the following:

- a. Township Administrator
- b. Township Chief Financial Officer
- c. GluckWalrath LLP

OFFERED BY: PERNICE AYES: 5

SECONDED BY: TRAGNI NAYS: 0

ALIDA MANCO,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT

NOTICE OF INTENT TO ISSUE NEW
ALCOHOL PLENARY RETAIL CONSUMPTION LICENSE IN
THE TOWNSHIP OF MARLBORO

The Mayor and Township Council of the Township of Marlboro, New Jersey, by Resolution #2007-311 have determined to consider the issuance of one (1) additional plenary retail consumption license by public sealed bid to the highest qualified bidder and hereby invites bids therefor. All prospective bidders for the license shall apply by submitting to the Township Clerk the following in a sealed envelope stating the name of the bidder and "2007 Liquor License Bid":

1. A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$2,000.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$200.00;

2. A separate signed Certification of Proof of Compliance by the prospective bidder that it/he/she meets any and all conditions or requirements contained in this Resolution and Chapter 42 of the Code of the Township of Marlboro, including without limitation the distance

restriction contained in Section 42-2(A), and knows of no reason why it/he/she would be disqualified from having an interest in a Retail Liquor License in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder;

3. A separately sealed envelope with the prospective bidder's deposit fee of \$80,000.00 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid; and

4. Bid proposal.

The minimum bid for the Plenary Retail Consumption License shall be \$800,000.00.

The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted. The award of the subject license may be postponed or canceled at any time prior to the opening of the bids.

The period of acceptance of bids shall end on October 30, 2007 at 10:00 A.M., prevailing time. The Clerk of the Township of Marlboro will, on October 30, 2007, at 3:00 P.M., prevailing time, publicly announce a list of those applicants who presumptively meet with qualifications for bidding as determined by applicable State law and regulation and the enabling Resolution and this Notice.

The Clerk of the Township of Marlboro will open any and all sealed bids received by pre-qualified bidders on November 6, 2007, at 10:00 A.M., prevailing time. No bids will be opened from or on behalf of any bidder who does not pre-qualify or has not submitted proof of qualification (see above).

Full payment of the remaining balance for the license must be made to the Township upon the earlier of the following: The issuance of a Certificate of Occupancy or by March 6, 2008, whichever occurs first.